

formula (XIII), bisoindoline of the formulae (XIV) and (XV), anthraquinoid of the formulae (XVI) and (XVII), phthalocyanin of a formula (XVIII), pyrrolopyrrole of the formulae (XIX) and (XX), quinophthalone of the claimed formulae (XXI) and (XXII), azo of the formulae (XXIII), (XXIV), (XXV), (XXVI), (XXVII) and (XXVIII), anthraquinone of the formulae (XXIX) and (XXX) and azomethine of a formula (XXXI).

Office Action at 2. Thus, the Examiner requires that the claims be restricted to one of the disclosed species for A. The Examiner notes that claims 23, 56, and 73 are “generic” claims, and that all of the claims will be restricted to the elected species if no generic claim is held to be allowable. *Id.*

Applicants respectfully traverse the election requirement, as set forth above and on pages 2-3 of the Office Action. However, to be fully responsive, Applicants elect for A, with traverse, azo compounds, which are the compounds of formulae (XXIII) to (XXVIII). This election reads on claims 20-26, 45, 48-76.

Applicants respectfully traverse the election of species requirement, at least because the Examiner, has failed to allege, let alone show, that a serious burden exists to examine all of the alleged species. To make a proper requirement for an election of species the Examiner must, inter alia, show that the search and examination of a claim would impose a serious burden on the Office because it embraces an unreasonable number of species. M.P.E.P. § 803.02 (emphasis added). Here, the Examiner has provided no reasons or evidence on the record to substantiate the election of species requirement, let alone how examination of all the species would impose a serious burden.

Additionally, if the Examiner chooses to maintain the election of species requirement, Applicants expect the Examiner, if the elected species is found allowable,

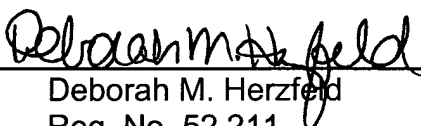
to continue to examine the full scope of the elected subject matter to the extent necessary to determine the patentability thereof, *i.e.*, extending the search to a "reasonable" number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121. Accordingly, it is unclear what burden the Examiner would be under to examine all claimed species together, and Applicants respectfully request withdrawal of the restriction requirement.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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